

REMARKS

Claims 1, 5-14, 18-25, 27-31, 33-35, 36, 38-42, 44-46, 47, 49, 50, 52, 53 and 55 are pending. Claims 1, 14, 25, 31, 36, 42, 47, 50 and 53 have been amended. Claims 2-4, 15-17, 26, 32, 37, 43, 48, 51, and 54 have been canceled. No new matter is presented.

Claims 1-22, 25-34, 36-45, 47-55 are rejected under 35 USC 103(a) as being unpatentable over Ohara, U.S. Patent 6,438,643 and in view of DeGraaf, U.S. Patent 5,740,405. This rejection is traversed.

The independent claims of this application have been amended to essentially recite that when there is no adaptability between the new version of the first software program and the old version of the second software program, the installed second software program is first updated and then first software program is updated, and when there is no adaptability between the new version of the second software program and the old version of the first software program, the first software program is updated and then the second software program is updated

As admitted by the Examiner, DeGraaf fails to teach or suggest this feature. The Examiner relies on Ohara as teaching this feature and states at pg. 2 of the Advisory Action mailed August 22, 2005, that Ohara teaches that upgrades are based on compatible test results (citing to Fig. 11).

As stated previously, Ohara merely discloses upgrading the firmware of the devices in the communication system. Further, Fig. 11 of Ohara relates to selecting devices, or changing the device type. This is evidence by the list of devices in the bottom portion of Fig. 11. The fact remains that Ohara does not disclose or suggest updating installed software programs and certainly does not teach or suggest that when there is no adaptability between the new version of the first software program and the old version of the second software program, the installed second software program is first updated and then first software program is updated, and when there is no adaptability between the new version of the second software program and the old version of the first software program, the first software program is updated and then the second software program is

updated. Thus, the features of the independent claims are not taught or suggested by the cited art, either alone or in combination. Applicant requests that this rejection be withdrawn.

Claims 23-24, 35, and 46 were rejected under 35 USC 103(a) as being unpatentable over Ohara and DeGraaf as described in claims 1-22, 25-34, 36-45 above, and in view of Benjamin, U.S. Patent 6,113,208. This rejection is respectfully traversed.

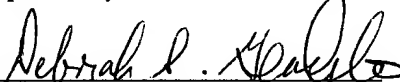
These claims are allowable at least for the reasons set forth above, and further in view of Benjamin's failure to overcome the deficiencies of Ohara and DeGraaf. Applicant requests that this rejection be withdrawn.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772018400.

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Respectfully submitted,

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